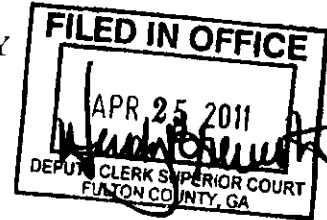


IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA



DALTON HALEY, a Minor by and  
through, AUDREY COTTON, as  
Natural Mother and Guardian ad Litem  
of Dalton Haley, the Heir at Law of  
Michael Lynn Haley

Plaintiff,

v.

ANGELA WASHINGTON,  
TERENCE GREEN, DAVID  
WILLIAMSON, and EREKA WOODS;  
in their INDIVIDUAL CAPACITIES,

Defendants.

CIVIL ACTION FILE NUMBER:

2009cv169585

JURY TRIAL DEMANDED

**FIRST AMENDED COMPLAINT FOR DAMAGES**

COMES NOW, Dalton Haley, the Minor son of Michael Lynn Haley, by and Through Audrey Cotton, as Natural Mother and Guardian Ad Litem of Dalton Haley, sole Heir at Law of Michael Lynn Haley, and hereby submits and files his Complaint for Damages against the Defendants above named, and in support thereof shows the following:

**NATURE OF CAUSE OF ACTION**

This is a civil action claiming monetary damages for wrongful death, including the full value of the life of MICHAEL LYNN HALEY, Deceased. The said MICHAEL LYNN HALEY was the father of DALTON HALEY. The decedent, MICHAEL LYNN HALEY, had no other children, and did not leave a surviving spouse, thus the said DALTON HALEY is entitled to bring this action, by and through his natural mother and Guardian Ad Litem, AUDREY COTTON.

### **JURISDICTION**

1. This Court has jurisdiction over this action, which arises under the laws and Constitution of the State of Georgia.

### **VENUE**

2. Venue is proper in this Court where one or more of the Defendant's reside in Fulton County, and the claim arose in Fulton County.

### **PARTIES**

3. Dalton Haley is the son of Michael Lynn Haley, deceased, and the sole heir of the said Michael Lynn Haley, and is entitled to bring this action in said capacity by and through his natural mother and Guardian ad Litem, Audrey Cotton.

4. Defendants Angela Washington, Terrance Green, David Williamson, and Ereka Woods at all times pertinent hereto were and are Officers of the Fulton County Police Department, and to Plaintiffs' knowledge residents of Fulton County, Georgia. Said Defendants are being sued in their individual capacities. Said Defendants may be served at the offices of the Fulton County Police Department, South Precinct, located at 5600 Stonewall Tell Rd, College Park, GA 30349.

### **FACTS**

5. On or about approximately 4:00 to 5:00 P.M., on April 26, 2009, at or near 4846 Fulton Industrial Boulevard, in Fulton County, Georgia, 30336, Defendants Angela Washington ("Washington"), Terrance Green ("Green"), David Williamson ("Williamson"), and Ereka Woods ("Woods") who are officers of the Fulton County Police Department, took Michael Lynn Haley ("Michael Haley") into custody. At said time Michael Haley had not acted or behaved in any physically hostile or aggressive manner, nor given any indication or acted in any manner which would reasonably cause said Defendants to believe that Michael Haley presented any physical danger or threat to them or any other person.

- (a) Michael Haley initially ran from the officers.
- (b) After running approximately 50 feet, Michael Haley stopped when directed to do so by Officer Washington and Detective Green, approximately in the middle of the center westbound lane of Fulton Industrial Boulevard at the above location. Said officers, along with other officers of the Fulton County Police Department, then slammed Michael Haley to the street surface, and placed him in restraint by use of handcuffs on his wrists and ankles, and by the physical force of the officers, one of whom sat on him and restrained him.
- (c) While Michael Haley was restrained and helpless, Defendants Washington, Green, Williamson, and Woods, and other of the officers then proceeded to brutally and viciously assault, beat, kick, and strike Michael Haley with fists and with "ASP" batons, and repeatedly sprayed his eyes with "OC Pepper Spray," and stomped, hit, and otherwise assaulted, beat and battered Michael Haley on virtually all parts of his body, causing him grievous bodily injuries, excruciating pain, and ultimately resulting in his death. Said brutal assault lasted and continued *unabated and continuously* for *approximately fifteen (15) minutes*, during which time Michael Haley was screaming in pain and for help, and begging the officers to stop.
- (d) With Michael Haley totally restrained face down on the street, with his hands and feet handcuffed together, said Defendants and other Fulton County Police officers intentionally slammed Michal Haley's head into the concrete surface of the street; and after he had been so brutally beaten that he was apparently either unconscious or only partially conscious, lifted his head as high as it would go off of the street surface, and then allowed his head to drop forcefully onto the street surface, all of which caused further injuries to Michael Haley.
- (e) At no time whatsoever did Michael Haley ever become or act in any "combative" fashion. At no time whatsoever did Michael Haley ever take or attempt any aggressive action toward the Defendant's or other officers.

(f) At no time did Michael Haley ever "slam his head onto the ground." As described above, one of the Defendants or other Fulton County Police officers did slam Michael Haley's head into the surface of the street, and also held his head up and let it forcefully drop onto the concrete surface, with the clear intent to cause injury and pain to Michael Haley.

(g) The above described brutal and vicious assault and beating of Michael Haley by Defendants and the other Fulton County Police Department officers left him with grievous and life threatening injuries, which was abundantly clear to all of the numerous independent eyewitnesses to the above event. Said grievous and life threatening injuries were or should have been known to the Defendants. While Michael Haley was still in the custody of the Defendants, the Defendants did not make any effort to have the medical personnel examine or treat Michael Haley. At no time did the Defendants ever attempt to render any medical assistance or first aid to Michael Haley, or in any other way attempt or take any actions to provide medical care for him, which might possibly have saved his life had they done so.

6. The above actions and inactions of the Defendants resulted in the death of Michael Haley and in excruciating pain suffered by him prior to his death.

#### **CAUSES OF ACTION**

7. The above actions of the Defendants constituted the assault and battery of Michael Haley.

8. The above actions and inactions of the Defendants proximately and in fact resulted in the wrongful death of Michael Haley.

9. The above actions and inactions of the Defendants breached the Georgia statutory prohibition against the abuse of a person in police custody.

10. The above actions of the Defendants consisted of the use of excessive force in violation of Georgia statutory and common law and in violation of the Constitution of the State of Georgia.

11. The above actions of the Defendants in the use of force against arrestee Michael Haley were not objectively reasonable, under Georgia law.

12. As set forth above, the above actions and inactions of the Defendants resulted in the death of Michael Haley.

13. The above actions of the Defendants constituted a violation of the Georgia Constitution, GA CONST Art. 1, § 1, ¶ XIII, with respect to seizures of persons.

14. The above actions and inactions of the Defendants constituted negligent, and/or intentional and/or malicious conduct by the said Defendants, and proximately caused death of the said Michael Lynn Haley.

15. Defendants actions and inactions proximately violated Michael Haley's affirmative right under Georgia law to protection against abuse while in custody and to receipt of medical care.

#### **DAMAGES**

16. The actions and inactions of the Defendants proximately caused the loss of Michael Haley's life and the damages resulting therefrom.

17. Plaintiff has been damaged in an amount to be shown at trial, including the full value of Michael Haley's life.

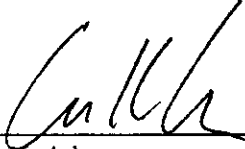
#### **PRAYER FOR RELIEF**

WHEREFORE, on the basis of the above and foregoing, the Plaintiff's respectfully demand a Jury Trial, pray judgment against the Defendants, and that this Court award the following relief from the Defendants:

a. ACTUAL, GENERAL AND CONSEQUENTIAL DAMAGES, including but not limited to the full value of the life of Michael Haley in an amount to which the Plaintiff is entitled for the wrongful death of Michael Haley as shown by the evidence to be determined by the enlightened conscience of impartial jurors; together with costs of this action; and

b. That Plaintiffs recover such other and further relief as this Court may deem just and proper.

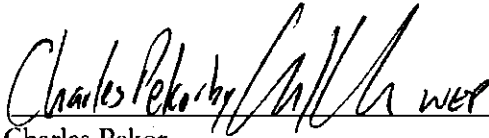
Respectfully submitted, this 25th day of April 2011.



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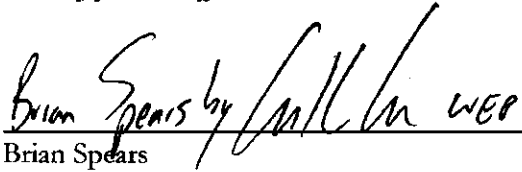
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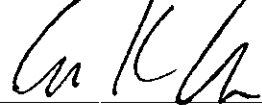
**CERTIFICATE OF SERVICE**

I certify that I served the First Amended Complaint For Damages by emailing same to:

Walter Yarbrough Esq.  
Office of the Fulton County Attorney  
141 Pryor Street, SW, Ste. 4038  
Atlanta, GA 30303  
walter.yarbrough@fultoncountyga.gov

on this 25th day of April 2011.

DAVIS ADAMS, LLC



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